of two grounds: first, that a domicile of choice, which is, according to the law of the country chosen, ineffectual as regards postmortuary distribution of movables, is, for this purpose, no domicile at all; or, second, assuming the deceased was domiciled in Baden, the law of Baden would, according to its terms, not apply, but would refer the question to the national law, in this case the law of Malta. Thus the court adopted either the first or the third of the courses above mentioned. *In re Johnson*, [1903] 1 Ch. 821.

This decision has not been favorably received by English or American lawyers, and Mr. Bate's pamphlet is devoted to showing that there was no foundation in English law for the decision, and that on its merits the renvoi doctrine cannot claim admission into the English system of conflict of laws. The pamphlet shows great care of preparation, exhaustive research in the case law of England, France, Belgium, Germany, and other countries of the Continent, and contains a scholarly tabulation, arrangement, and discussion of the decisions found, and also of the arguments advanced both by the advocates and the opponents of the renvoi theory. This pamphlet leads one to wish that more legal writers would give their energies to the thorough and valuable work which can be done by selecting a topic small in scope, yet interesting and important in its bearing.

CASES ILLUSTRATING THE PRINCIPLES OF THE LAW OF TORTS. By Francis R. Y. Radcliffe and J. C. Miles. Oxford: Clarendon Press. 1904. pp. xii, 628. 8vo.

This collection of cases is an "attempt to illustrate the principles underlying the main branches of the Law of Torts by a selection from the original authorities." Case-books for purposes of study have, owing to the state of legal education, hardly found a field in England. Books such as "Smith's Leading Cases" are, because of their full treatment and collection of authorities on special topics, meant for the practitioner rather than for the student. The present compilation of cases, which comes from Oxford, is, therefore, received by confirmed believers in the case-system of legal study as a gratifying indication that the value of that system is finding increasing recognition in English Universities.

The editors have, in the main, followed the method of arrangement adopted by Sir Frederick Pollock in his treatise on the subject. The aim is evidently to supplement, not supplant, the text-book. To this fact, undoubtedly, is to be attributed the presence of head-notes, for these defeat one of the chief values of the case-system, namely, to get the reader to gather his own principles from the cases. There is also, in view of the supplemental nature of the work, a natural tendency to give late authorities. But perhaps it would be better, even though it is not intended to develop the subject by successive cases, to give the great cases that mark a development in the law, *e. g.* Pasley *v.* Freeman (3 T. R. 51), and make reference merely, to later important authorities which show an advance but which lack of space crowd out.

From the American case book point of view, also, the classification is not all that it might be. To some extent this is attributable to the comprehensive scope of the selections. Cases dealing with the relation of master and servant, prescriptive rights, percolating water, and the like, might have been omitted from a collection of illustrative cases on the law of torts. Since the purpose should be to arrive at general principles, a detailed topical treatment is unnecessary. By bringing related subjects under a common head, underlying principles are better grasped and the student is not bewildered by apparent multiplicity of doctrines. Thus the cases on assault, false imprisonment, trespass to land and goods, might well form one group.

The field has been so fully covered, as far as topical treatment is concerned, that it may seem caviling to point out omissions. Yet it is surprising that there is no case on liability for nervous shocks, especially since the decision of the Privy Council in Victorian Railways Commissioners *v.* Coultas (13 App. Cas. 222) has not been followed in Ireland nor in the recent case of Dulieu *v.*

White ([1901] 2 K. B. 669). The important subject of legal cause is not adequately covered by the two cases under "Damage Caused by the Intervention of Third Party" and whatever else may be scattered in the cases under "Negligence." The selection of Heaven *v.* Pender (L. R. 11 Q. B. D. 503), with its much criticised rule by Brett, M. R., as the leading case in negligence seems unfortunate. Thomas *v.* Winchester (6 N. Y. 397), is printed as dealing with a point in the law of negligence not covered by English authority. We fail to see why Winterbottom *v.* Wright (10 M. & W. 109), and George *v.* Skivington (L. R. 5 Ex. 1), are not in point on the liability of the vendor of chattels to a third person. On the whole, however, the cases have been carefully selected, especially those on defamation, the few notes are thorough and well written, and the mechanical features of the book are excellent.

CODE REMEDIES: Remedies and Remedial Rights by the Civil Action According to the Reformed American Procedure. A Treatise Adapted to Use in all the States and Territories where that System Prevails. By John Norton Pomeroy. Fourth Edition. Revised and Enlarged by Thomas A. Bogle. Boston: Little, Brown, and Company. 1904. pp. clxx, 983. 8vo.

The candid student will admit that the old common law system of procedure had a number of technical rules, the enforcement of which often resulted in gross injustice to litigants. Far too often technicalities were the cause of costly and trying delays and even final dismissals without a determination of the merits. It is not surprising, therefore, that the suggestion of a reformed procedure, when first agitated, should have found many ardent supporters. One of the best exponents of the reform idea was John Norton Pomeroy, whose work on the subject of code remedies appeared in 1876, followed by second and third editions from his own hand in 1883 and 1894. The great enthusiasm of the author, combined with his legal ability and vigorous style, produced a very interesting and useful book.

It is believed that the author succeeded in establishing that a reformed system of procedure, eliminating most of the defects of the old system, is possible; it is only necessary to refer to the existing reformed system in England to demonstrate that it is feasibile. But that uniform success has been attained in those states of this country that have legislated on the subject may be doubted. Notwithstanding the optimism of the author, a careful consideration of the differences and narrow restrictions that have resulted from judicial interpretation principally induced by common-law ideas of procedure — and these differences and restrictions may easily be found pointed out even in the discussions and citations of this work — is enough to lead the reader to the conviction that, while the author's exposition of what the reformed system should be is admirable and convincing, the actual system developed from the statutory enactments by judicial decision is deplorably disappointing. Nevertheless, in view of the existence of the reformed system of procedure in a large number of the states, a treatise as well written and as sound in its exposition as Mr. Pomeroy's book, if by reason of its completeness it recommends itself to the constant attention of the practitioner, may serve a very useful purpose in inducing a more reasonable view of code procedure; and this is a full justification for the present edition of the work.

The editor has omitted the portion of the author's introduction which dealt with historical and theoretical considerations of procedure. He has also left out occasional discussions of common law procedure which, in former editions, appeared at infrequent intervals throughout the author's text. Otherwise, with slight exception, the text, as it appeared in the author's last edition, remains intact. The editor's attention has been directed to the notes. These have been materially increased by citations of new cases and the revision of the references to statutes. In a number of instances the editor has added explanatory and illustrative notes of a helpful character. In one instance an addition, which consists in a summary and classification of cases dealing with necessary